

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: June 12, 2013

LEONARD DAVIS
Judge Presiding

Court Reporters: Shea Sloan
Judy Werlinger

Law Clerk: Blaine Larson

Court Administrator: Rosa L Ferguson

ERICSSON, INC, ET AL V D-LINK CORPORATION, ET AL	CIVIL ACTION NO: 6:10-CV-473 JURY TRIAL – DAY 7
ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 6:45 pm

TIME:	MINUTES:
9:00 am	Trial resumed. Jury seated in the courtroom.
	Court addressed the Jury and welcomed them back. Court gave the Jury an outline of the proceedings this morning.
	Court charge read to the Jury.
10:05 am	Court in recess.
10:23 am	Trial resumed. Jury seated in the courtroom.
	Mr. Stevenson presented closing arguments to the Jury on behalf of the Plaintiffs.
	Mr. Cawley presented closing arguments to the Jury on behalf of the Plaintiffs.
	Mr. Cawley asked for the courtroom be sealed.
11:13 am	SEALED PROCEEDINGS. Mr. Cawley continued his closing argument.
11:20 am	PROCEEDINGS UNSEALED.
	Mr. Van Nest presented closing arguments to the Jury on behalf of the Defendants.
	Mr. Cawley presented rebuttal arguments to the Jury on behalf of the Plaintiffs
12:25 pm	Court addressed the Jury and gave them some final instructions.
12:26 pm	Jury excused to commence deliberations.
	Jury Deliberating.
	Court addressed the parties and commended the attorneys for a very well tried case. Court has a 1:30 meeting and Court will come back around 2:00 on equitable evidence. Court addressed the parties on the possibility of the second phase. Court gave the parties

TIME:	MINUTES:
	their times. Plaintiff has used 13:45 and Defendants have used 12:57.
12:30 pm	Court in recess awaiting Jury Verdict.
1:45 pm	Court received Juror Note No. 1.
1:50 pm	Trial resumed. Jury not Present.
	Court read Juror Note to the parties. Court inquired if that exhibit has been admitted. Courtroom deputy advised that it had been admitted. Court and parties discussed getting a copy.
	Court read its response to the parties and asked Court Clerk to go into the jury room to see if the exhibit was in the possession of the jury. Court clerk entered and retrieved a page entitled "Intel Source Code, Not in electronic format pursuant to Protective Order."
1:55 pm	Court in recess. Court clerk informed the parties of what was contained and asked parties to get a hard copy of the exhibit for the jury.
2:45 pm	Trial resumed. Jury not present.
	Court addressed the parties and sent in the source code Jury had asked for with a note apologizing for taking so long.
	BENCH TRIAL:
	Mr. Dauchot called DR. MATTHEW SHOEMATE to the witness stand.
	Mr. DeVries tendered Defendants' List of Pre-Admitted Exhibit List for June 12, 2013 BENCH TRIAL, and List was marked as Defendants' Exhibit List 7. Without objection exhibits on list admitted. Admitted Exhibits: Defendants' Exhibit 157 – 159, 162 – 164, 614, 616, AND Plaintiff's Exhibits 57, 222, 228, 593 – 596, 603, 605, 608, 611, 612 and 614.
	Ms. Moore tendered Plaintiffs' Pre-Admitted Exhibit List for June 12, 2013 BENCH TRIAL, and List was marked as Plaintiffs' Exhibit List 7. Without objection, exhibits on list admitted. Admitted Exhibits: Plaintiff's Exhibit 3, 4, 6, 8, 10, 26 – 33, 37, 224, 238, 293, 294, 307 – 310, 407 – 412, 464, 469, 499 – 502, 507, 508, 510, 511, 517, 541, 553, 554, 590, 591, 592, 612 and 616.
	Direct examination of Dr. Shoemate by Mr. DeVries.
	Witness sworn. Direct examination of Dr. Shoemate continued.
	Mr. DeVries passed the witness. Cross examination of Dr. Shoemate by Mr. Cawley.
	Mr. Cawley passed the witness. Recross examination of Dr. Shoemate.
	Mr. Shoemate passed the witness. Witness excused.
	Mr. Alper called CHRIS HEEGARD to the witness stand.
	Direct examination of Mr. Heegard by Ms. Morgan.
	Ms. Morgan passed the witness. Cross examination of Mr. Heegard by Mr. Campbell.
	Mr. Campbell passed the witness. Redirect examination of Dr. Heegard by Ms. Morgan.
	Ms. Morgan passed the witness.
	Mr. Alper called Dr. GREG LEONARD. Witness sworn.
	Court advised parties that Jury informed Court Security Officer that they plan on quitting at 4 pm today. Court wrote the Jury a note and read to the parties. Note tendered to Jury by Court Security Officer.
	Direct examination of Dr. Leonard by Mr. Mitchell.
4:05 pm	Jury Note No. 2 Received.
	Direct examination of Dr. Leonard by Mr. Mitchell continued.
	Court read Jury Note No. 2 to the Jury. Court read its response to the Jury and response

TIME:	MINUTES:
	tendered to the Jury by the Court Security Officer.
	Direct examination of Dr. Leonard by Mr. Mitchell.
	Mr. Mitchell passed the witness.
	Court inquired regarding remaining witnesses. Mr. Alper responded. Mr. Cawley responded.
	Cross examination of Dr. Leonard by Mr. Campbell.
	Mr. Campbell asked that the courtroom be sealed.
	SEALED PROCEEDINGS.
	Mr. Campbell passed the witness. Redirect examination of Dr. Leonard by Mr. Mitchell.
	Mr. Alper called Dr. Ray Perryman to the witness stand. Witness previously sworn.
	PROCEEDINGS UNSEALED.
	Direct examination of Dr. Perryman by Mr. Alper
4:30 pm	Court in recess until 4:50.
4:55 pm	BENCH TRIAL RESUMED.
	Direct Examination of Dr. Perryman by Mr. Alper continued.
	Mr. Alper passed the witness. Cross examination of Dr. Perryman by Mr. Campbell.
	Mr. Campbell asked that the courtroom be sealed.
	SEALED PROCEEDINGS.
	Cross examination of Dr. Perryman continued.
	Mr. Campbell passed the witness.
	Mr. Campbell offered Plaintiff's Exhibits 590, 237, 448, 13, 15, 22, 24, 41 and 52.
	PROCEEDINGS REMAINED SEALED.
	Redirect examination of Dr. Perryman by Mr. Alper.
	Mr. Alper passed the witness. Recross examination of Dr. Perryman by Mr. Campbell.
	Mr. Campbell passed the witness.
	Mr. Alper moved for video deposition to be admitted on the papers.
	Mr. DeVries read the page and line number for Video Deposition of KASIM ALFALAHI , and without objection, admitted.
	Mr. DeVries advised the Court that it has a summary of the rest. Court asked for the names of the witnesses. Mr. DeVries read the names: BRISMARK, PETERSSON, JOHNS, ALFALAHI, FORSLUND, and NORDLOF , and without objection, Deposition Testimony admitted. Court asked that they be marked as Bench Trial Exhibit – Deposition Testimony.
	Mr. Alper advised Defendants Rest.
	PROCEEDINGS UNSEALED.
	Mr. Cawley called GUSTAV BRISMARK to the witness stand. Witness previously sworn.
	Direct examination of Mr. Brismark by Mr. Cawley.
	Mr. Cawley passed the witness. Cross examination by Mr. Dauchot.
	Court advised parties of their times: Plaintiffs have used 14:40 and Defendants have used 14:45.
	Cross examination of Mr. Brismark continued.
	Mr. Dauchot passed the witness. Redirect examination of Mr. Brismark by Mr. Cawley.
	Mr. Cawley passed the witness. Recross examination of Mr. Brismark by Dauchot.

TIME:	MINUTES:
	Mr. Campbell called Dr. SCOTT NETTLES to the witness stand.
	Mr. Campbell passed the witness. Cross examination of Dr. Nettles by Ms. Peipmeier.
	Ms. Peipmeier passed the witness.
	Mr. Campbell called Dr. JOHN BONE to the witness stand. Witness previously sworn.
	Direct examination of Dr. Bone by Mr. Campbell.
	Mr. Campbell passed he witness. Cross examination of Dr. Bone by Mr. Jones.
	Mr. Jones passed the witness. Redirect examination of Dr. Bone by Mr. Campbell.
	Mr. Campbell has no further witnesses. Plaintiffs and Defendants CLOSE.
	Mr. Dauchot addressed the Court on exhibits. Court addressed the parties on the Final Lists.
	<p>Ms. Moore addressed the Court on PX 71 and asked for confirmation it was admitted. Ms. Moore tendered Plaintiff Ericsson's Final Admitted Trial Exhibit List, and List was marked as Plaintiffs' Exhibit List 8. Without objection, exhibits on list admitted. Admitted Exhibits: Plaintiff's Exhibit 1 – 11, 18, 26 – 33, 36, 37, 58, 71, 96, 101, 103 – 117, 121, 130, 136 – 142, 156 – 162, 204, 206, 206A-4, 207, 207A, 208, 208A-K, 238, 244, 249, 260, 266, 283 – 287, 290, 291, 293 – 298, 300 – 303, 307 – 310, 356, 398, 407 – 412, 424 – 426, 430, 434 – 443, 455, 456, 459, 460, 464, 469, 471, 472, 476, 478, 499 – 502, 504, 506 – 512, 514, 515, 537, 538, 541 – 554, 557 – 565, 586.</p> <p>Ms. Moore tendered Plaintiff Ericsson's Demonstrative Evidence Trial Exhibit List, and List was marked as Plaintiffs' Exhibit List 9. Without objection, exhibits on list admitted. Admitted Exhibits: Plaintiff's Demonstrative 0001 - 0019. Ms. Moore advised that copies of the Demonstrative Exhibits were included.</p>
	<p>Mr. DeVries tendered Defendants' Admitted Trial Exhibit List, and List was marked as Defendants' Exhibit List 8. Without objection exhibits on list admitted. Admitted Exhibits: Defendants' Exhibit 1, 2, 4-8, 10 – 15, 18, 19, 21, 23, 37, 38, 51, 58, 62, 64, 65, 72 – 74, 78 – 82, 85 – 90, 97, 98 – 101, 104, 105, 107 – 110, 113, 120, 127, 132, 133, 136 – 138, 147 – 149, 151, 152, 154, 156, 160, 161, 169, 170, 175, 180, 186, 189, 193, 196, 198, 209, 220, 227, 230, 231 – 233, 244, 246, 248 – 250, 252 – 255, 263, 281, 286, 291, 302, 305 – 307, 313, 315, 420, 321, 325 – 328, 330, 332, 333, 335, 350, 356, 357, 404, 405, 448- 450, 453, 477, 479, 510, 511, 516A, 516B, 518 – 528, 537, 539, 543, 546, 548 – 551, 553, 572, 586, 591, 598, 599, 602 – 604, 606, 607.</p> <p>Mr. DeVries tendered Defendants' List of Admitted Demonstrative Exhibits, and List was marked as Defendants' Exhibit List 9. Without objection exhibits on list admitted. Admitted Exhibits: Defendants' Demonstrative Exhibit DDX1-1 – DDX1-2, DDX2-1 – DDX2-14, DDX3-1 – DDX3-88, DDX4-1 – DDX4-3, DDX5-1 – DDX5-44, DDX 13 – 25, DDX 101 – 118, DDX608.</p> <p>Mr. DeVries tendered Defendants' List of Admitted Demonstrative Exhibits – June 12, 2013 BENCH TRIAL, and List was marked as Defendants' Exhibit List 10. Without objection exhibits on list admitted. Admitted Exhibits: Defendants' Demonstrative Exhibit DDX7 – 10.</p>
	Mr. DeVries addressed the Court on their pre-admit list being reflected in the admitted trial list that he will tender. Mr. DeVries asked permission to tender a supplemental that does include that.
	Mr. Campbell addressed the Court on exhibits offered today, not being on their pre-admit list. Court asked for an updated list tomorrow and the Defendants could do likewise.

TIME:	MINUTES:
	Court gave the parties their final times. Plaintiff: 15: 01; Defendants: 15:02.
6:45 pm	There being nothing further, Court adjourned.